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EXAMINER

MANNING, JOHN

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,632

Applicant(s)

KITSUKAWA ET AL.

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 7/11/2005 & 8/2/2005

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (US Pat No 5,977,964) in view of Matthews et al. (US Pat No 5,914,746) and further in view of Knee et al. (US Pat Pub No 2005/0155056).

In regard to claim 1-3, Williams discloses an automatically configuring multimedia content on a users system based on a user profile. The claimed limitations of "a television tuner" and "a display communicating with the tuner for displaying broadcast television signals" are met by Figure 1, Item 102. Williams discloses memory communicating with the display, where the web pages are stored in the memory. Williams also discloses that the web pages are periodically received. The "system controller 104 is configured to retrieve and store entertainment programming information available from a wide variety of sources" (Col 3, Lines 13-15). "In one embodiment, system controller 104 retrieves specific stock quotes customized to Joe's portfolio. In

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one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128" (Col 6, Lines 10-15). Further, "if system controller 104 identifies a particular program which may be of interest to a particular user, system controller 104 can record the program without prompting the user" (Col 17, Lines 3-6). Also, "Thus, the present invention automatically configures a system based on a user's monitored system interaction and preferred system access times" (Col 17, Lines 23-25). The claimed limitation of "at least one user data input memory, the user data input memory storing at least some user demographic information, the user demographic information being at least partially used to establish the Web page stored in the virtual channel memory" is met by Figure 1, Item 104. The "system 100 includes system controller 104 which, in one embodiment, is configured to store user profile information which controller 104 develops for each of the users of system 100" (Col 3, Lines 10-13). The disclosed system determines the age of the user, which is demographic information.

"Accordingly, if system controller 104 determines that a child is using entertainment system 100, it may restrict the advertising to breakfast cereal's and toys, whereas if the current user is an adult system controller may promote advertising for automobiles and home appliances" (Col 6, Lines 40-44). Furthermore, the "system control agent 704 can request demographic information from each user to be transmitted with the behavior log to allow for better analysis of the log information contained in the behavior log" (Col 16, Lines 22-26). Williams is silent with respect to selectable virtual channels. Matthews teaches the use of selectable virtual channel so as to organize a "number of different

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services or programs, ranging from traditional broadcast television, to movies-on-demand, to online shopping, banking, and information services" (Col 3, Lines 5-8).

Consequently, it would have been obvious to one of ordinary skill in the art to implement Williams with selectable virtual channels for the stated advantage. The aforementioned combined teaching fails to disclose determining user demographic information from user input. Knee teaches determining user demographic information based on user input so as to provide a systematic approach to gathering user information for the targeting of programming (See paragraphs 0007, 0009, 0027, 0034 and 0035). Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with determining user demographic information based on user input for the stated advantage.

In regard to claim 4, Williams discloses that the user profiles include user preference. "By way of additional examples, user profile database 800 includes information indicating Joe User's preferred computer settings, including preferred types of Internet sites (e.g., Games, Sports, and Financial), as well as preferred software applications (e.g., a clock and a birthday reminder application)" (Col 6, Lines 25-30).

In regard to claim 5, the claimed limitation of "at least one web server" is by the system retrieving information from a web page. "In one embodiment, system controller 104 retrieves specific stock quotes customized to Joe's portfolio. In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128" (Col 6, Lines 10-15). It is interpreted that the website has an associated web server. The claimed limitation

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of "at least one television signal source" is met by Figure 1, Items 124, 126 and 134. Williams discloses memory communicating with the display, where the web pages are stored in the memory. Williams also discloses that the web pages are periodically received. The "system controller 104 is configured to retrieve and store entertainment programming information available from a wide variety of sources" (Col 3, Lines 13-15). "In one embodiment, system controller 104 retrieves specific stock quotes customized to Joe's portfolio. In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128" (Col 6, Lines 10-15). Further, "if system controller 104 identifies a particular program which may be of interest to a particular user, system controller 104 can record the program without prompting the user" (Col 17, Lines 3-6). Also, "Thus, the present invention automatically configures a system based on a user's monitored system interaction and preferred system access times" (Col 17, Lines 23-25). Williams is silent with respect to selectable virtual channels. Matthews teaches the use of selectable virtual channel so as to organize a "number of different services or programs, ranging from traditional broadcast television, to movies-on-demand, to online shopping, banking, and information services" (Col 3, Lines 5-8). Consequently, it would have been obvious to one of ordinary skill in the art to implement Williams with selectable virtual channels for the stated advantage. The aforementioned combined teaching fails to disclose determining user demographic information from user input. Knee teaches determining user demographic information based on user input so as to provide a systematic approach to gathering user information for the targeting of

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programming (See paragraphs 0007, 0009, 0027, 0034 and 0035). Consequently, it would have been obvious to one of ordinary skill in the art to implement the combined teaching with determining user demographic information based on user input for the stated advantage.

In regard to claim 6, the claimed limitation of "at least one user data input memory, the user data input memory storing at least some user demographic information, the user demographic information being at least partially used to establish the Web page stored in the virtual channel memory" is met by Figure 1, Item 104. The "system 100 includes system controller 104 which, in one embodiment, is configured to store user profile information which controller 104 develops for each of the users of system 100" (Col 3, Lines 10-13). The disclosed system determines the age of the user, which is demographic information. "Accordingly, if system controller 104 determines that a child is using entertainment system 100, it may restrict the advertising to breakfast cereal's and toys, whereas if the current user is an adult system controller may promote advertising for automobiles and home appliances" (Col 6, Lines 40-44). Furthermore, the "system control agent 704 can request demographic information from each user to be transmitted with the behavior log to allow for better analysis of the log information contained in the behavior log" (Col 16, Lines 22-26).

In regard to claim 7, Williams discloses that the user profiles include user preference. "By way of additional examples, user profile database 800 includes information indicating Joe User's preferred computer settings, including preferred types

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of Internet sites (e.g., Games, Sports, and Financial), as well as preferred software applications (e.g., a clock and a birthday reminder application)" (Col 6, Lines 25-30).

In regard to claim 8, the claimed limitation that the computer page is a web page is disclosed in the reference. "In one embodiment, system controller 104 retrieves specific stock quotes customized to Joe's portfolio. In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128" (Col 6, Lines 10-15).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herz et al. (US Pat No 6,088,722) teaches creating virtual channels based on information input by the user and by passively monitoring the users actions (See Col 9, Lines 57-63; Col 12, Lines 26-28; Col 4, Lines 24-38; Col 52, Lines 41-49).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM
October 27, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600